

1 MELVIN BROWN, IN PRO PER

2 322 NORTH BONNIE BRAE

3 LOS ANGELES, CA 90026

4 (562) 314-3353 OFFICE

5 (562) 472-2645 FAX

6 NO EMAIL

8 MELVIN BROWN, IN PRO PER

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

CV13- 6271

14 WS INVESTMENTS, LLC

Plaintiff,

16 vs.

17 MARIA SOTO, CUAUHEMOC SOTO AND DOES 1 TO

18 10, INCLUSIVE

19 Defendants

) Case No.:

) NOTICE OF REMOVAL OF ACTION
) TO FEDERAL COURT

) [28 U.S.C. §1446]

21 TO ALL PARTIES OF INTEREST AND THEIR COUNSEL OF RECORD AND THIS COURT:

22 Pursuant to 28 U.S.C. §§1332, Defendant MELVIN BROWN, hereby gives Notice of
23 Removal of the above captioned case, currently pending in the Superior Court of the
24 State of California, STANELY MOSK, as Case 13U98958 , to the United States District
25 Court for the Central District of California. As grounds for removal, Defendant MELVIN
26 BROWN , states the following:

On or about JULY 25, 2013, Plaintiff, WS INVESTEMENT, LLC, herein referred to as WS, filed a Complaint alleging causes of action with the Clerk of the Superior Court of California for the county of LOS ANGELES (the "State Court Action"). The State Court Action was assigned Case 13U98958. The Complaint along with all pleadings and papers received by MELVIN BROWN and pending in the State Court Action are hereto attached.

This lawsuit concerns real property, located 322 NORTH BONNIE BRAE LOS ANGELES, CA 90026 ("the property"). Complaint alleges that Plaintiff, WS, purchased said Property at auction sale JULY 15, 2013 and thereafter "duly perfected" title. Plaintiff, WS, seeks and order for possession of Defendant's property.

FEDERAL QUESTION

This action is a civil action of which this Court has original jurisdiction under 28 U.S.C. §1331, and is one which may be removed to this Court by defendant pursuant to the provisions of 28 U.S.C. §1441 (b) in that it arises under Article III standing and "Artful Pleading Doctrine". Under both Federal and California law, a Plaintiff must meet the jurisdictional requirement of standing. Lujan v. Defenders of Wildlife, 504 U.S. 555, 560 (1992); Municipal Court v. Superior Court, 5 Cal.4th 1126, 1132 (1993) (providing that if a Plaintiff lacks standing, California courts will decline to address the merits.)

The U.S. Supreme Court has stated the standing requirement as follows: To qualify for standing, a claimant must present and injury that is concrete, particularized, and actual or imminent; fairly traceable to the Defendant's challenged behavior, and likely to be redressed by a favorable ruling." Davis v. Federal Election Commission, U.S., 128 S. Ct. 2759, 2768, 171 L.Ed.2d 737 (2008). Lujan, 504 U.S. at 560; see also Schmier v. Supreme Court, 78 Cal. App/ 4th 703, 707 (2000) ("A person who invokes the judicial process lacks standing if he does not have a real interest in the ultimate adjudication because [he] has neither suffered nor is about to suffer any injury or sufficient magnitude reasonably to assure that all of the relevant facts and issues will be adequately presented.")

California Courts must follow the law established by the Supreme Court Rules as well as controlling cases decided by the U.S. Supreme Court on a given issue. These provisions of judicial proceedings are mandatory and are not discretionary. If a court ignores these principles, the court is acting beyond its legitimate authority to act. Lack of Standing cannot be waived. Recent case law on the issue of Article III jurisdiction was settled by the U.S. Supreme Court in the 1999 case of Steel Co., v. Citizens for a Better Environment, 523 U.S. 83, 118 S. Ct. 1003 in which the Court required that a court may not "proceed to the merits absent the Courts determination of "Article II" jurisdiction. The duty of the Court is to protect the constitutional rights of the Defendant from being harmed by having to defend an illegitimate claim without "due process of law." That means the he/she/it Plaintiff must be able to demonstrate and prove an 'injury in fact.' The Court must exercise its inherent power to examine its jurisdiction BEFORE PROCEEDING TO THE MERITS. To do otherwise is unconstitutional.

Amount in Controversy. The amount in controversy exceeds \$75,000.00, exclusive of interest and costs. The Complaint concerns a Deed of Trust with an original balance of \$436,000.00 with an alleged purchase price of \$103,000.00. The amount in controversy is satisfied because the subject matter of Plaintiff's litigation is a challenge to a security interest in a loan in the amount of \$500,000.00, and Plaintiff seeks to gain possession of Defendant's property. Thus, the object of the injunctive relief exceeds 75,000.00 see *Cohn v. Petsmart*, 281 F. 3d 837, 840 (9th Cir.2002) ("[I]t is well established that the amount in controversy is measured by the object of litigation.")

Artful Pleading Doctrine. The rule that the plaintiff is the "master of the claim" is subject to this limitation: plaintiff cannot defeat removal of a federal claim by disguising or "artfully pleading" it as a claim. If the only claim involved is one arising under federal law, the federal court will "recharacterize" it accordingly, in order to uphold removal. *Federated Dept. Stores, Inc. v. Moitie*, 452, U.S. 394, 101 S. Ct. 2424, fn.2, 69 L.Ed.2d 103 (1981).

SUPPLEMENTAL JURISDICTION

1 This is an issue of the title and a violation of federal laws 12 U.S.C §2601,
2 24CFR, part 3500, and Title 12 §226.39 (regulation 2 part (a)) which confer original
3 jurisdiction on federal courts in suits to address the deprivation of rights secured
4 by federal law.

5 This Court also has supplemental jurisdiction over the pendant state law claims
6 because the state law claims are so related to the federal claim that they form part
7 of the same case of controversy under Article III of the United States Constitution,
8 pursuant to 28 U.S.C §1367

PROCEDURAL REQUIREMENTS

9
10 Removal To Proper Court. This Court is part of the "district and division"
11 embracing the place where the State Court Action was filed- RIVERSIDE, County,
12 California and so is a proper venue for removal. 28 U.S.C. §1446(a).

13 Removal is Timely. Pursuant to 28 U.S.C. §1446(b), removal is proper with the
14 filing of "other paper" to begin the running of the 30 day period. See Phillips v.
15 Allstate Ins.Co., 702F.Supp. 1466(C.D.Cal.1989). Other courts have applied the
16 provision the "papers" generally, and the status as "other paper" of such items as
17 demand letters, depositions and correspondence between the parties depends of the
18 interpretation given to 1446(b) by the individual court. See also 14 C Wright, Miller
19 and Cooper, Federal Practice and Procedure: Jurisdiction 3d §3732(1998).

20 Pleadings and Process. Attached hereto is a copy of all process, pleadings, and
21 filings receive by Defendant in the State Court Action. See 28 U.S.C. §1446(a).

22 Notice. A copy of the Notice of Filing of Notice of Removal will be timely
23 filed with the clerk of the state court in which the action is pending and served on
24 Plaintiff's, pursuant to 28 U.S.C §1446(d). A copy of the Notice of Removal to All
25 parties will be served promptly on Plaintiff, pursuant to 28 U.S.C §§1446(a), (d).

26 Signature. This notice of Removal is signed pursuant to Fed. R. Civ.P. 11. See
27 28 U.S.C. §1466(a).
28

1 Bond and Verification. Pursuant to Section 1016 of the Judicial Improvements
2 and Access to Justice Act of 1988, no bond is required in connection with the Notice
3 of Removal. Pursuant to Section 1016 of the Act, this Notice need not be verified.

4 Based upon the foregoing, this Court has jurisdiction over this matter pursuant
5 to 28 U.S.C §1332, and claims may be removed to this court under 28 U.S.C §1446.

6 In the event that Plaintiffs see to remand this case, or the Court considers
7 remand *sua sponte*, Defendant respectfully request the opportunity to submit such
8 additional argument or evidence in support of removal as may be necessary.

9 WHEREFORE, Defendant pray that the above action now pending against them in the
10 Superior Court of California, County of LOS ANGELES, STANLY MOSK be removed there
11 from to this Court.

12 Respectfully submitted,

13 Dated: AUGUST 27, 2013

14 
15 _____

16 MELVIN BROWN

17 IN PRO PER
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SUM-130

SUMMONS
(CITACION JUDICIAL)
UNLAWFUL DETAINER—EVICTION
(RETENCIÓN ILÍCITA DE UN INMUEBLE—DESALCJO)

NOTICE TO DEFENDANT:

(AVISO AL DEMANDADO):

Maria Soto, Cuauhtemoc Soto

AND DOES 1 TO 10, INCLUSIVE

YOU ARE BEING SUED BY PLAINTIFF:

(LO ESTÁ DEMANDANDO EL DEMANDANTE):

WS INVESTMENTS, LLC

FOR COURT USE ONLY
CONFIRMED COPY
OF ORIGINAL FILED
Los Angeles Superior Court

JUL 25 2013

John A. Clarke, Executive Officer/Clerk

BY VICTOR SINO CRUZ Deputy

You have 5 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. (To calculate the five days, count Saturday and Sunday, but do not count other court holidays. If the last day falls on a Saturday, Sunday, or a court holiday then you have the next court day to file a written response.) A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

Tiene 5 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. (Para calcular los cinco días, cuente los sábados y los domingos pero no los otros días feriados de la corte. Si el último día cae en sábado o domingo, o en un día en que la corte esté cerrada, tiene hasta el próximo día de corte para presentar una respuesta por escrito). Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

1. The name and address of the court is:
(El nombre y dirección de la corte es):
LOS ANGELES SUPERIOR COURT
111 North Hill St.
111 North Hill St.
Los Angeles, CA 90012
CENTRAL DISTRICT

CASE NUMBER:
(Número de caso):

13U08958

2. The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Vicken I. Simonian, Esq.
LAW OFFICES OF VICKEN I. SIMONIAN SBN # 128659
131 N. El Molino Ave., Ste. 300
Pasadena, CA 91101
626-584-0043

3. (Must be answered in all cases) An unlawful detainer assistant Bus. & Prof. Code, §§ 6400-6415 ☒ did not ☐ did for compensation give advice or assistance with this form. (If plaintiff has received any help or advice for pay from an unlawful detainer assistant, complete item 6 on the next page.)

Date:
(Fecha)

JOHN A. CLARKE, Clerk

VICTOR SINO CRUZ, Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service form (POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

(SEAL)

4. NOTICE TO THE PERSON SERVED: You are served

- a. ☐ as an individual defendant.
b. ☐ as the person sued under the fictitious name of (specify):
c. ☐ as an occupant
d. ☐ on behalf of (specify):

under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ CCP 415.46 (occupant) ☐ other (specify):

5. ☐ by personal delivery on (date):

Page 1 of 2

NOTICE: EVERYONE WHO LIVES IN THIS RENTAL UNIT MAY BE EVICTED BY COURT ORDER. READ THIS FORM IF YOU LIVE HERE AND IF YOUR NAME IS NOT ON THE ATTACHED SUMMONS AND COMPLAINT.

1. If you live here and you do not complete and submit this form within 10 days of the date of service shown on this form, you will be evicted without further hearing by the court along with the persons named in the Summons and Complaint.
2. If you file this form, your claim will be determined in the eviction action against the persons named in the Complaint.
3. If you do not file this form, you will be evicted without further hearing.

CLAIMANT OR CLAIMANT'S ATTORNEY (Name and Address): Melvin Brown 322 North Bonnie Brae Street Los Angeles Ca 90026		TELEPHONE NO.:	FOR COURT USE ONLY CONFIRMED COPY ORIGINAL FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES AUG 05 2013 John A. Clarke, Executive Officer/Clerk By <u>Jamie Alexander</u> Deputy
ATTORNEY FOR (Name):			
NAME OF COURT: SUPERIOR COURT OF LOS ANGELES STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles 90012 BRANCH NAME: Central District			
PLAINTIFF: WS INVESTMENT DEFENDANT: Maria Soto, Cuauhtemoc Soto			
PREJUDGMENT CLAIM OF RIGHT TO POSSESSION		CASE NUMBER: 13U08958	
Complete this form only if ALL of these statements are true: 1. You are NOT named in the accompanying Summons and Complaint. 2. You occupied the premises on or before the date the unlawful detainer (eviction) Complaint was filed. 3. You still occupy the premises.		(To be completed by the process server) DATE OF SERVICE: (Date that this form is served or delivered, and posted, and mailed by the officer or process server)	

I DECLARE THE FOLLOWING UNDER PENALTY OF PERJURY:

1. My name is (specify): Melvin Brown
2. I reside at (street address, unit No., city and ZIP code):
322 North Bonnie Brae Street Los Angeles Ca 90026
3. The address of "the premises" subject to this claim is (address):
322 North Bonnie Brae Street Los Angeles Ca 90026
4. On (insert date): July 25 2013, the landlord or the landlord's authorized agent filed a complaint to recover possession of the premises. (This date is the court filing date on the accompanying Summons and Complaint.
5. I occupied the premises on the date the complaint was filed (the date in item 4). I have continued to occupy the premises ever since.
6. I was at least 18 years of age on the date the complaint was filed (the date in item 4).
7. I claim a right to possession of the premises because I occupied the premises on the date the complaint was filed (the date in item 4).
8. I was not named in the Summons and Complaint.
9. I understand that if I make this claim of right to possession, I will be added as a defendant to the unlawful detainer (eviction) action.
10. (Filing fee) I understand that I must go to the court and pay a filing fee of \$ _____ or file with the court the form "Application for Waiver of Court Fees and Costs." I understand that if I don't pay the filing fee or file with the court the form for waiver of court fees within 10 days from the date of service on this form (excluding court holidays), I will not be entitled to make a claim of right to possession.

(Continued on reverse)

PLAINTIFF (Name): WS INVESTMENT	CASE NUMBER: 13U08958
DEFENDANT (Name): Maria Soto, Cuauhtemoc Soto	

NOTICE: If you fail to file this claim, you will be evicted without further hearing.

11. (Response required within five days after you file this form) I understand that I will have five days (excluding court holidays) to file a response to the Summons and Complaint after I file this Prejudgment Claim of Right to Possession form.
12. **Rental agreement.** I have (check all that apply to you):
- ☐ an oral rental agreement with the landlord.
 - ☒ a written rental agreement with the landlord.
 - ☐ an oral rental agreement with a person other than the landlord.
 - ☐ a written rental agreement with a person other than the landlord.
 - ☐ other (explain):

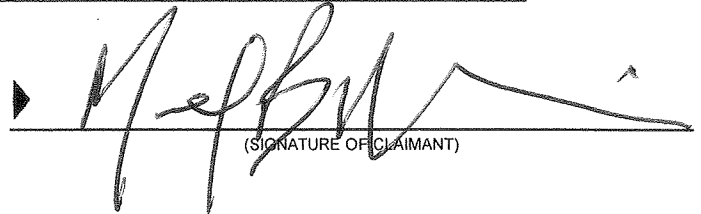
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

WARNING: Perjury is a felony punishable by imprisonment in the state prison.

Date: August 5, 2013

MELVIN BROWN

(TYPE OR PRINT NAME)


(SIGNATURE OF CLAIMANT)

NOTICE: If you file this claim of right to possession, the unlawful detainer (eviction) action against you will be determined at trial. At trial, you may be found liable for rent, costs, and, in some cases, treble damages.

— NOTICE TO OCCUPANTS —

YOU MUST ACT AT ONCE if all the following are true:

- 1. You are NOT named in the accompanying Summons and Complaint.**
- 2. You occupied the premises on or before the date the unlawful detainer (eviction) complaint was filed.** (The date is the court filing date on the accompanying Summons and Complaint.)
- 3. You still occupy the premises.**

(Where to file this form) You can complete and SUBMIT THIS CLAIM FORM WITHIN 10 DAYS from the date of service (on the reverse of this form) at the court where the unlawful detainer (eviction) complaint was filed.


(What will happen if you do not file this form) If you do not complete and submit this form and pay a filing fee or file the form for proceeding in forma pauperis if you cannot pay the fee, YOU WILL BE EVICTED.

After this form is properly filed, you will be added as a defendant in the unlawful detainer (eviction) action and your right to occupy the premises will be decided by the court. If you do not file this claim, you will be evicted without a hearing.

1 Vicken I. Simonian, Esq.
2 LAW OFFICES OF VICKEN I. SIMONIAN
3 131 N. El Molino Ave., Suite 300
4 Pasadena, California 91101-1873
5 (626) 584-0043-Telephone
6 (626) 584-0369-Facsimile
7 Bar No. 128659

CONFORMED COPY
OF ORIGINAL FILED
Los Angeles Superior Court

JUL 25 2013

John A. Clarke, Executive Officer/Clerk
BY  Deputy
Victor Soto

5 Attorney for Plaintiff,
6 WS INVESTMENTS, LLC
7

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF LOS ANGELES, CENTRAL DISTRICT
10

11 WS INVESTMENTS, LLC) CASE NO. 18U08958
12)
13 Plaintiff,) COMPLAINT FOR UNLAWFUL DETAINER
14) [CCP § 1161a]
15 vs.)
16)
17 MARIA SOTO, CUAUHTEMOC SOTO,)
18 and DOES 1 to 10, Inclusive,)
19)
20 Defendants.)
21)

22 This action is a limited civil case. The amount
23 demanded does not exceed \$10,000.00.
24

25 PLAINTIFF ALLEGES:

26 1. Plaintiff is, and at all times herein mentioned was, a
27 Limited Liability Company and the Defendants are Maria Soto,
28 Cuauhtemoc Soto, et al., are in possession of the premises
located at 322 North Bonnie Brae Street, Los Angeles, CA
90026 (hereinafter referred to as the property).

3. The property is located within the Jurisdiction of the
Central District of the Los Angeles County Superior Court.

4. The true names and capacities of Defendants DOES 1 through 10 are unknown to Plaintiff, who therefore sues these Defendants by such fictitious names and will amend this complaint to allege their true names and capacities when ascertained. Plaintiff is informed and believes and thereon alleges that each of the fictitiously named Defendants claims a right, under the named Defendants, to possession of the premises against Plaintiff.

5. By virtue of a trustee's deed, Plaintiff is the owner, and entitled to possession, of the real property known as 322 North Bonnie Brae Street, Los Angeles, CA 90026.

6. The trustor defaulted in the payment of the promissory note and, at the request of the beneficiary, the trustee, in accordance with Section 2924 of the Civil Code, caused to be recorded in the official records in the office of the County Recorder of Los Angeles County, California, a notice of default and breach of conditions of the trust deed and its election to sell the property under the power of sale contained in the trust deed to satisfy the obligation secured by the trust deed. The notice of default contained the statement specified in paragraphs (1) of subdivision (b) of Section 2924c of the Civil Code.

7. More than three months after the notice of default was recorded, the trustee, as required by Section 2924 of the Civil Code, gave notice in the manner and form required by Section 2924f of the Civil Code that the property would be sold at public auction on July 15, 2013 in, Los Angeles

1 County, California, to satisfy the obligation secured by the
2 trust deed, and caused the notice of sale to be recorded in
3 the office of the County Recorder of Los Angeles County,
4 California.

5 8. The trustor failed to cure the default, and at the
6 time and place noticed for sale, the trustee duly sold the
7 property to Plaintiff, who was the highest bidder, and, at
8 that time, executed and delivered to Plaintiff a deed for
9 the property. The deed contains the recital of compliance
10 with law as set forth in Section 2924 of the Civil Code.
11 (Trustee's Deed Upon Sale attached as Exhibit "1").

12 9. At the time of the sale, the Defendants were in
13 possession of the property and they remained in possession
14 after the sale.

15 10. On July 15, 2013 Plaintiff caused to be served on
16 Defendants a written notice stating that Plaintiff had
17 purchased the property and that their title had been duly
18 perfected and demanding that Defendants quit the premises
19 within three (3) days after service of the notice. The 3-Day
20 Notice to Quit was served on the Defendants by posting then
21 mailing a copy to the Defendants at the premises on July 15,
22 2013. A copy of the notice is attached hereto as Exhibit "2"
23 and made a part hereof.

24 11. The three-day period expired on July 18, 2013 and
25 since that date Plaintiff has been and is entitled to
26 immediate possession of the premises.

27 12. Defendants failed and refused to deliver up
28 possession within the three-day period or since and continue

07/31/2013 11:09

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OFFICE MAX 0730

PAGE 01/10

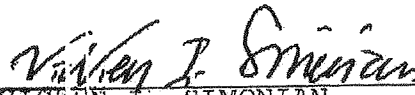
1 in possession of the premises without Plaintiff's permission
2 or consent.

3 13. The reasonable rental value of the premises is
4 \$100.00 per day, and the damages to Plaintiff proximately
5 caused by Defendant's unlawful detention have accrued at
6 that rate since July 19, 2013 and will continue to accrue at
7 that rate so long as defendants remain in possession of the
8 premises.

9
10 WHEREFORE, Plaintiff prays judgment against Defendants
11 as follows:

- 12 1. For possession of the premises;
13 2. For damages for the unlawful detention of the
14 premises at the rate of \$100.00 per day from July 19, 2013,
15 until entry of judgment;
16 3. For costs of suit herein incurred; and
17 4. For such other and further relief as the court may
18 deem proper.

19 Dated: July 25, 2013 LAW OFFICES OF VICKEN I. SIMONIAN

20
21 
22 VICKEN I. SIMONIAN
23 Attorney for Plaintiff
24
25
26
27
28

I. (a) PLAINTIFFS (Check box if you are representing yourself ☐)

WS INVESTMENT, LLC

DEFENDANTS (Check box if you are representing yourself ☐)

MARIA SOTO, CUAUHEMOC SOTO AND DOES 1 TO 10, INCLUSIVE

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)

II. BASIS OF JURISDICTION (Place an X in one box only.)

- ☐ 1. U.S. Government Plaintiff
☐ 2. U.S. Government Defendant
☒ 3. Federal Question (U.S. Government Not a Party)
☐ 4. Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES-For Diversity Cases Only
(Place an X in one box for plaintiff and one for defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|---------------------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State | <input checked="" type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input checked="" type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. ORIGIN (Place an X in one box only.)

- ☐ 1. Original Proceeding
☒ 2. Removed from State Court
☐ 3. Remanded from Appellate Court
☐ 4. Reinstated or Reopened
☐ 5. Transferred from Another District (Specify)
☐ 6. Multi-District Litigation

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check "Yes" only if demanded in complaint.)**CLASS ACTION under F.R.Cv.P. 23:** ☐ Yes ☒ No☐ **MONEY DEMANDED IN COMPLAINT:** \$ _____**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

28USC 1332, 1367, 12USC2601, CFP3500 AND TITLE 12.22.29

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/Etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org. <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.) <input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <input type="checkbox"/> 210 Land Condemnation <input checked="" type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 American with Disabilities-Employment <input type="checkbox"/> 446 American with Disabilities-Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee Conditions of Confinement FORFEITURE/PENALTY <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Ret. Inc. Security Act	<input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405 (g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405 (g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

FOR OFFICE USE ONLY: Case Number:

CV13-6271

AFTER COMPLETING PAGE 1 OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED ON PAGE 2.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

CIVIL COVER SHEET

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ NO ☐ YES

If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ NO ☐ YES

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

(Check all boxes that apply)

- ☐ A. Arise from the same or closely related transactions, happenings, or events; or
- ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
- ☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.

☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
LOS ANGELES	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.

☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
LOS ANGELES	

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.
NOTE: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

*Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR SELF-REPRESENTED LITIGANT):

DATE: 8-27-2013

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet).

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code Abbreviation

Substantive Statement of Cause of Action

861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))